



City of Carmel

CARMEL PLAN COMMISSION SPECIAL STUDIES COMMITTEE THURSDAY, APRIL 27, 2006 Special Meeting

The Special Studies Committee of the Carmel Plan Commission met at 6:30 PM on Thursday, April 27, 2006. The Committee met in a Special Meeting to review a Single Item Agenda.

Members present: Leo Dierckman; Madeleine Torres; Susan Westermeier, thereby constituting a quorum.

Members of the Department of Community Services in attendance: Mike Hollibaugh, Director; Matt Griffin, and Christine Barton-Holmes. John Molitor, Legal Counsel was also in attendance.

The Special Studies Committee considered the following item:

1. Docket No: 05120025 Z 126th & Keystone/Gramercy PUD

The applicant seeks to rezone 116 acres from R2/Residential and R4/Residential to PUD/Planned Unit Development for the purpose of creating a mixed use development comprised of townhouse, apartment, retail, and office uses.

The site is located between Carmel Drive, 126th Street, Keystone Ave, and Auman Dr. Filed by James Shinaver of Nelson & Frankenberger for Buckingham Properties Inc.

Present for the Petitioner: Jim Shinaver, attorney with Nelson & Frankenberger; Brad Chambers, CEO of Buckingham Properties together with David Leazenby and Sara Nasuti.

Leo Dierckman reported that the focus of the meeting this evening is the list of permitted uses, the maps, and then into the PUD document. The committee will devote two hours to the review this evening. There will be little public input this evening, since there has been a lot of public feedback to date. If there is time at the end of the working review, there may or may not be time for public input. However, there will be plenty of opportunity for public comment at additional meetings of the Plan Commission and also at the Council level.

Note: The public hearing remains open on this item.

Madeleine Torres asked if the document had been available for the public.

Matt Griffin said the document had been emailed to one person who represented a homeowners group.

Leo Dirckman said he had also received comments from a number of persons.

The Committee started review with the schedule of permitted uses, page 1 of 3.

Definition in question: Guest House and bona fide service quarters and boarding and lodging House.

Jim Shinaver responded that they had not changed any definitions for those—those particular phrases and uses were taken from Carmel’s list. Are those terms defined within Carmel’s zoning ordinance?

Matt Griffin responded that those uses are listed in the Carmel Zoning Ordinance: The term Guest House is defined as: “Living Quarters within a detached, accessory building located on the same premises with the main residence building for use by temporary guests of the occupants of the main residence building and not rented or otherwise used by other persons. “

Leo Dierckman—Bona Fide Servants Quarters?

Madeleine Torres—actually that term is still used today.

Matt Griffin: It is—it is a normal use listed. Most of the time it is a Special Use requirement for S-1 District. The Ordinance definition: “Bona Fide Servants Quarters are living quarters which may include kitchen facilities that are either attached or detached from the principal residence used as a residence by persons employed to provide domestic services to the occupants of the principal residence.”

Madeleine Torres was not in agreement with the word “servant” and would rather use different terminology—servant just does not ring true today...employees’ quarters, some alternative.

Leo Dierckman—what about the wording “Lodging House?”

Matt Griffin responded that Lodging House is not actually defined in the Carmel Ordinance. “Boarding House” is defined as a building not open to transients where lodging and/or meals are provided for three or more but not over 30 persons” --- a lodging house.

Leo Dierckman asked that the petitioner respond to whether or not they will accept the changes the Committee is requesting. The petitioner is looking for a favorable recommendation from the full Plan Commission, and it behooves them to work with the Department.

John Molitor opined that at least one or two of these terms is a holdover from an old-style zoning ordinance; the petitioner probably envisions that they will not need the use.

Leo suggested that in District A, all of the apartments would be eliminated. District B: Eliminate the Bed & Breakfast, the bona fide servants quarters; the boarding and lodging house and the nursing and convalescent facility. In District C, eliminate bona fide servants quarters, boarding and lodging house, and nursing and retirement convalescent facility. The nursing/retirement convalescent facility could potentially be considered as a Special Use before the Board of Zoning Appeals in District C.

Madeleine Torres did not have a problem with boarding and lodging in District C but was not quite clear on what exactly would go in there—a halfway house, perhaps—or how the lodging use would be defined specifically. The convalescent facility, nursing/retirement is not a problem in District C, but would not like to see that use in District B.

Leo Dierckman and Susan Westermeier were in agreement with Madeleine's comments. Leo's view was that District A is the closest to residential and should be ownership so that the integrity and quality that abuts the residential area is ensured and is a part of the stair-stepping process.

David Leazenby responded that the units in District A that are above the garage and "for rent," are included in the apartment category.

Leo said that a "Guest House" is not in that category.

Matt Griffin--Ordinance definition: Guest House—a dwelling unit primarily of a rental nature.

Susan Westermeier asked what would happen when a homeowner in Auman Addition wants to rent out their home--would that be agreeable?

Leo Deirckman said that language could be added that would permit that.

Matt Griffin suggested that the Committee might want to encourage use such as "Granny Flats" in the event someone were to care for their aging parents.

Leo asked that more definition be added to "apartments" for District A prior to the next meeting.

Susan Westermeier suggested language that would clarify that multi-tenant rental is not wanted.

David Leazenby pointed out that there is one other use that should be talked about—a multi-family dwelling—inadvertently left off the list.

Susan Westermeier asked the definition of "multi-family" under the Ordinance.

Matt Griffin read the definition for "multi-family dwelling" from the Ordinance: "A residential building containing three or more dwelling units and occupied by three or more families".....otherwise provided by State Statute: A group home shall not be considered multi-family dwelling."

David Leazenby said the buildings that are shown along Auman Drive would meet that definition of multi-family units—they are two and three unit buildings all along Auman Drive.

Matt Griffin responded that those would be single-family attached with this type of design. The definition in the Ordinance: An attached dwelling is a townhouse, a duplex, a triplex, or quadruplex dwelling developed side-by-side for sale as condominiums. It would seem maybe the key is just to call it attached dwellings.

John Molitor suggested that the two different types of classifications are being mixed—the petitioner needs to clarify what we are after. We would like to use the definitions we have in our general ordinance—you don't have to re-create the wheel or over-lapping the terms so that we end up with a misunderstanding as to what we are trying to get at.

Susan Westermeier did not want apartments in District A.

David Leazenby then confirmed that multi-family dwellings would be added in Districts B and C.

Matt Griffin suggested that the petitioner “sharpen up” the definition of apartments in order to further clarify and avoid over-lapping in the definitions.

Leo Dierckman then reiterated that the following would be eliminated from District B: Bed & Breakfast, bona fide Servants Quarters, Boarding House or Lodging House, Nursing, Retirement/Convalescent facility; District C, the following would be eliminated: bona fide servants quarters.

Madeleine Torres would like for apartments of ten units or more eliminated from District B—come up with a number that would be allowed so that we don't have a mammoth building with 20 units so close to the “A” District area.

Matt Griffin suggested a definition of apartments as “10 continuous units or more constructed primarily for rental purposes;” leave attached dwellings permitted in the other two Districts as those constructed for single ownership.

The Committee agreed that if an apartment is 10 units or more per building, they are allowed in District C—LESS than 10 would be allowed in District B.

Office Uses:

Nothing in District A, nothing in District B—they are contained in District C

Madeleine Torres commented that she would allow some professional or general office uses in District B, somewhat like Main & Monon where there are offices on the ground floor, it would look residential and could be a small business such as a start-up attorney, etc.

Matt Griffin referred to the live-work units—the use must be permitted to match the work. David Leazenby said the live-work unit is addressed in the PUD.

Brad Chambers said that the petitioner could agree with the Dept. on the first two—the petitioner would like for the Dept to consider general offices or professional offices—massive buildings in District B are not anticipated. General Offices/professional offices would cover a real estate office or that type of use.

Matt Griffin: The Ordinance definition: “General office, a place of business used exclusively for office purposes where no product or commodity or retail sales is located or sold, including but not limited to a sales office, real estate office, financial office, and professional office.”

Professional office is defined as, “An office in a recognized profession maintaining the conduct of that profession.” Profession is defined as “A vocation, a calling, an occupation of employment requiring training in the liberal arts or sciences or accommodations thereof requiring advanced study in a specialized field.” Example: architect.

Madeleine felt that the key word in the definition is that nothing is being sold from the offices—it would not have a great traffic impact.

Matt Griffin said they are mostly service-oriented businesses.

Leo commented that if business is to be successful with the residential component, the commercial or professional office must be manageable, otherwise they would never be able to sell the balance of the building; this would also preserve the residential feel of the area.

Susan Westermeier asked if a percentage of the area could be limited—such as area B to no more than 30% professional or general office.

The petitioner was agreeable.

Institutional Uses:

Leo Dierckman eliminated church, temple, places of worship, and physician, occupational care in District B. Regarding District C, Leo eliminated hospital and kept everything else.

Matt Griffin commented that a small church is probably something that is convenient for the neighborhood being built. A mega-church would not be allowed, but a small neighborhood church/place of worship would probably be allowed; it would need BZA formal approval.

John Molitor suggested keeping the church/place of worship use in District C.

Madeleine Torres questioned the hospital, surgery center and urgent care facility within the neighborhood.

Matt Griffin defined public service facility as facilities and installations which are intended to be accepted for maintenance by government authority or public utility such as fire station, street facility, etc., that would serve the City.

Susan Westermeier asked that this be limited to public safety or public use and could be located in the B and C areas.

David Leazenby asked if the Committee would entertain hospital, surgical center, etc. as a Special Use in District C. The thought is that while there are two hospitals in Carmel, they are both on US 31. As the County grows, another hospital would need to be located somewhere. A hospital would also need BZA approval.

Educational Uses:

Leo Dierckman had no issues with District C but was still debating on District B. The size of District B is a concern—could that be made a part of the 30%--school trade or business college or university, day care, pre-school, etc.

Madeleine Torres thought the educational uses would be better in District C.

Susan Westermeier agreed and suggested taking out school from the B District, also college, trade business and elementary and secondary education.

Leo Dierckman thought the use was too intense in non-residential uses. The middle ground would be to include it in the 30% rule for area B—the use could not be any more than combining it with the office uses.

Matt Griffin suggested that it would be a cap of 30% non-residential uses.

John Molitor asked if the petitioner envisioned a public school in this development—if not, it should not be listed as a use.

David Leazenby said it would not be for the purpose of this development or re-development—it is in the PUD as a definition of pre-school or some type of trade school.

Matt Griffin read from the Ordinance—secretarial school, business school or college when not publicly owned or not owned or conducted by or under the sponsorship of a religious, charitable, or non-profit organization OR a school connected as a commercial enterprise for teaching instrumental music, dancing, hairdressing, drafting, or for teaching industrial or technical arts or culinary arts. It may also include vocational or industrial training facilities, performing art studios art schools, business/commercial schools and dance academy.

Leo Dierckman commented that a lot of the uses would be dictated by the economics—the value of the land will dictate that there will not be a truck driving school on the premises. Leo would like those uses eliminated from District B and could be permitted as 30% use in District C.

Confirmation: Day Care and pre-school are fine—school and general elementary are allowed in the C District.

Retail Service Uses:

Leo eliminated financial institutions with drive-through in District B—going back to the 30%-- you can do the permitted uses up to 30% of the square footage allowed in District B with the orientation of trying to keep it residential with a blend of commercial. Under District C, Leo eliminated lumber, building material sales, auto and boat sales. There is a questions as to what is General Service.

Matt Griffin confirmed that there is no definition in the ordinance for General Service. General Service will be eliminated for now....

Note: Sara Nasuti will write a definition of General Service for review.

Madeleine Torres was in favor of eliminating financial institutions with the drive-through facilities in District B—Financial Institution without drive through facilities would be OK in District B or C.

Susan Westermeier was OK with the drive-through, but only in District C; WITHOUT drive-through in District B.

The Committee was in agreement that Financial Institutions **with** drive through facilities would be permitted only in District C; **without** drive-through facilities in Districts B and C.

Leo Dierckman confirmed that the petitioner would eliminate lumber sales, material sales, and automobile and boat sales. The other uses in District B that have been agreed to will be limited to the 30% rule.

Leo eliminated veterinary hospital without commercial kennel in District B; also eliminated were funeral home, mortuary and crematory in District C; again, those uses would be as a continuation of the Retail Services.

Susan Westermeier asked the definition of wholesale sales.

Matt Griffin read from the Ordinance: An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers, to industrial, commercial, institutional or professional business users or to other wholesalers or acting as agents or brokers in buying merchandise for or selling merchandise to such individuals or companies. This is not considered a general commercial use and may include uses such as optician, optical supply or orthopedic medical appliance supply sales.

Madeleine Torres asked if this could be a facility such as Costco or Sam's Club.

Matt Griffin responded in the negative; Costco or Sam's Club is open to the public.

Leo commented that there are other features built into this that eliminate the big box type of item. In some ways, orthopedics and those types of small items are high value dollars and could be allowed. Are you OK with a funeral home, mortuary?

Brad Chambers pointed out that any small town and any main street throughout the state you will find a funeral home—the reaction to a mortuary and crematory is understandable, but it is a neighborhood use and standard.

Susan Westermeier commented that this type of use could also bring a lot of traffic. Maybe put it under Special Use. It is a necessity as much as a bank or other business. In the way this is laid out, big funeral processions might be a problem.

Madeleine Torres said that this type of use is an integral part of a community. It would be nice to have your church there, funeral home, etc., all right there in a small area.

The Committee agreed that the funeral home, mortuary, crematory would be a Special Use category.

Cultural Entertainment Uses:

Leo referred to District B and said he had eliminated hotel, hotel full service, indoor/outdoor theatre, meeting or party hall, and tavern/night club. In District C, Leo eliminated stadium or coliseum.

Susan Westermeier said she would certainly eliminate in the C District, carnivals, fairs, circus. A small street fair—that would be subject to definition.

Matt Griffin said that currently, carnival, fair or circus is defined as a traveling or transportable group or aggregation of rides, shows, games or concessions or any combination thereof. What we do not want to do is exclude items such as Church festivals.

Leo suggested making a carnival a Special Use.

David Leazenby agreed to sharpen up the definition and submit.

Susan Westermeier referred to District B--Art Gallery is OK, art and music center—not sure what the definition is.

Matt Griffin read from the Ordinance: Art and music center is a structure or complex of structures for housing visual and/or performing arts.

Susan Westermeier again referred to District B and said that hotel, full service would be eliminated, also indoor theatre/outdoor theatre, meeting or party hall, tavern or night club, all would be eliminated in District B.

David Leazen said they might need meeting or party hall for such things as a community meeting, depending on the definition.

Matt Griffin read from the Ordinance: A building designed for public assembly containing at least one room, having an area equivalent for 400 square feet per dwelling unit or 2400 gross square feet, whichever is greater.

The Ordinance was in question and sounds like it contains a typographical error.

Jim Shinaver said he would prepare a definition and submit for review; the use would be for District B or C.

Susan Westermeier then confirmed that stadium or coliseum will be removed from District C. Carnival, fair, circus would become a Special Use and the petitioner will submit a definition.

Industrial Uses:

Leo Dierckman said he had eliminated everything except for printing and publishing, and that would be permitted in District B and C and would come under the 30% restriction.

Matt Griffin asked if storage and/or sale of petroleum products a gas station? Is that defined elsewhere in the PUD?

Leo Dierckman said there is a request for a service station, but only in District C.

Madeleine Torres asked about storage and/or warehousing and if that is a building that is just for storage and warehousing or are we going to be eliminating perhaps a business up front and in the back is significant storage space?

Matt Griffin responded that the storage would be an ancillary use or accessory use such as a furniture store—the design would come under architecture requirements.

Madeleine Torres confirmed that warehousing is an ancillary use—as a lead use, it would be eliminated from District C.

Recreation:

Leo Dierckman added to District A, park, public park as a permitted use. No other change to this category.

Susan Westermeier said she questioned all of commercial recreational in District B along with a Fitness Facility—private recreational facility, commercial recreational facility, this needs to be clearly defined.

Matt Giffin said this might be one of the things that should be defined under the 30% Rule—indoor putt-putt, arcades, etc. If this is not defined, the Department will be in a situation of trying to enforce the PUD, and a Golds Gym would say they are a health facility and not under the 30% Rule; there would be “number-juggling” down the road.

Leo Dierckman agreed, but also stated the public park should be kept out of the 30% Rule.

Madeleine Torres referred to District B and not allowing Country Clubs, however a private club or lodge is allowed. Are we just messing with words here?

Susan Westermeier confirmed that if 30% will apply to commercial in District B, also health fitness facility, private club or lodge—everything except for the public park.

Miscellaneous:

Leo Dierckman asked the definition of Mixed Use.

Jim Shinaver responded that Mixed Use is spelled out behind Tab 3 of the booklet and is a combination of any of the permitted uses as applicable and permitted in a specific area as set forth in the schedule of permitted uses and attached as Exhibit F to the ordinance within a single building or two or more stories.

Matt Griffin asked if that could be scrapped and just make it inherent.

Leo Dierckman was agreeable as well as the petitioner—it is covered in other places.

Susan Westermeier noted that commercial parking lots are limited in District B—in other words, you could not just make all of District B a huge parking lot.

Matt Griffin encouraged the Committee to talk about parking lots. As interpreted currently, if someone had a lot here, you could just make a parking lot with 3,000 spaces or something of that nature. We need to talk about accessory use.

Susan Westermeier said she was thinking of parking lot as being incorporated with a business such as real estate, etc. There is really no need for a commercial lot at all in District B but it would be permitted in District C.

Mike Hollibaugh commented that a parking lot has no assessed value, the only building would be a small shed, and this is not desirable.

Matt Griffin said it would be nice to entertain the notion that structured parking would provide some sort of ground floor use, whether that is a retail node tucked into the ground floor so that it is not just parking. We are talking about removing surface parking entirely (commercial surface) as an accessory use.

John Molitor commented that if there were a situation where parking was needed temporarily, a Use Variance would be good for two years and BZA would probably allow that. A commercial parking structure would be OK as long as it had retail on the first floor and parking above.

Matt Griffin said a garage structure is preferable to an asphalt surface lot.

The Committee agreed to strike both commercial and surface parking lot uses from the B District—a commercial lot surface may be a Special Use in District C with Special Use approval from the BZA.

Temporary Uses:

Matt Griffin, definition: Short term or seasonal use that may be associated with construction projects or with intent to sell a specific merchandise or product and shall include but not be limited to special events, outdoor displays, outdoor seasonal sales, temporary construction facilities, residential model homes, and temporary sales offices.

David Leazenby said there were three other definitions that were stricken before the Committee ever saw it: Outdoor display, outdoor sales, and one other.

Matt Griffin asked about a limitation on temporary uses in terms of the time limit such as two years, etc. If not, it would default to Carmel's that does have a limitation and reference can be made to current standards for Carmel. Two years, renewable?

Leo Dierckman said he hesitates on special event, outdoors for two years in District B. Model homes are understandable, construction facility as well—but special event, outdoor, no.

John Molitor said there is already a general model home provision, the rest of these are the type of thing that is just seasonal. So, it would only be one season at a time, really less than 12 months. Model homes are two years and can be extended with Dept. approval. There are two different types of temporaries here. Model Homes—you can probably use the general provisions of the Ordinance or cross-reference. The rest of it seems as if the intent is for seasonal or event related. These could be cross-referenced—Jim Shinaver was willing to do that.

Matt Griffin then read the Ordinance definition. Special Events, Outdoors: Short Term Cultural Community and Entertainment Event that take place outdoors shall be considered Special Events including but not limited to fund raising activities by a not-for-profit organization, car washes, walks, runs, bike events, concerts, festivals.

Leo Dierckman said it sounded as if these items are already covered in other areas of the PUD.

David Leazenby asked if a permitted model home could be in District A—the Committee was agreeable.

Transportation and Communication Uses.

Leo noted that there is a footnote regarding a co-located antenna—that is the only change.

Susan Westermeier did not see the need for an antenna in District B.

Madeleine Torres responded that there is such camouflage, the communications antenna will not be noticeable at all.

Mike Holllibaugh commented that normally the problem is not the antenna, it is the tower.

Leo Dierckman noted that the Tower is referred to in District C, but it does have the definition.

The Committee agreed that the tower and antenna issue was adequately addressed.

David Leazenby asked to revisit the Temporary Use List. There are three that are not on the PUD list—Outdoor Sales, Seasonal Outdoor Sales and Outdoor Displays. These are all temporary uses for example, selling Christmas Trees, Farmers’ Market, etc.

Leo Dierckman said that those are controlled elsewhere—permits required through the City, etc. Temporary Uses are a highly regulated area because of the concerns of the people.

Matt Griffin referred them back to Carmel’s Ordinance.

The Use List review was deemed Completed.

USE MAP:

Leo referred to the Auman Drive transitional area and the 30 feet height limit. Leo felt that this should be expanded—the first set of inner-loop road would be twice the width as currently proposed but limited to 30 feet for two stories. Leo felt that this should apply all the way to Keystone on the 30 feet in height. This would be twice as wide on East Auman Drive and twice as wide all the way along 126th Street; the next layer would be 45 feet, basically all the way to what is shown as the core area currently and all the way across 126th Street. The two strips would continue all the way to 126th Street.

Basically, the first set of streets into the project would be 30 feet, the next block would be 45 feet in height, and then the core area would be the maximum height along Keystone.

Madeleine Torres did not feel it was necessary to go all the way to Keystone. Definitely, it should be taken farther past the entrance to The Enclave. The corner area, I’m not sure what is envisioned there, rather an entry feature, or water aspect—it is such a predominant corner. There is nothing under Miscellaneous Uses such as a pond allowed there—maybe a rock/waterfall entry—what is planned there?

David Leazenby said nothing like that had been planned as a traditional entry; not saying it could not be, but nothing is planned at this time.

Madeleine Torres asked what the petitioner’s plans are for this corner. Isn’t there a huge setback to allow for any future happening on Keystone?

Brad Chambers said they have to be sensitive to the Keystone setbacks and the rights-of-way. As of now, the set-back is uncertain as far as what Gramercy will have to give up.

David Leazenby said they left it carved out and did not take it all the way to Keystone to allow some flexibility in height and use.

Matt Griffin said the Department was “in between” on this. The Department conceptually showed the 30 feet as extended a little farther and the 45 feet wrapped around. We even discussed possibly taking the 60 foot transitional area and wrapping along Keystone or at least

thought about how this would interact with Keystone if we want any transition units in the center core or if the core should go all the way to Keystone or how that all fits.

Leo said he felt strongly about three story buildings NOT being along 126th to Keystone—it is important to The Enclave as well as Auman Addition and would hesitate elevating at the corner of 126th & Keystone.

David Leazenby thought that the use would be maybe a 4 or 5 story Assisted Living facility and it would not fall in the 30-foot height. This is in the central core.

Christine Holmes said the Staff had noticed that the maximum building height depending upon the type of architecture, could be higher—if the building had a steep roof pitch, the building might be 10 or 15 feet taller than the allowable 30 feet and it would be the same visual impact—it would be a building 40 to 45 feet tall. The Department would like to see the height limited to the ridge line or halfway up the roof line.

Leo Dierckman said he had always thought it was measured midway through the roof line.

Matt Griffin said that under the zoning ordinance, the height is the mid-point at the cornice line.

David Leazenby agreed to look at the height of their buildings again. The building height in the renderings were two and one-half to three stories and 28, 29, 30 feet at the cornice line. Because of the way the buildings are built into the slope, it looks smaller, but the buildings are three stories with the garage tucked under.

Christine Holmes: Those buildings might be something you would want to have along Auman Drive—height limitation—and increase the height behind if the building is recessed into the ground and have parking on the lower level.

Leo Dierckman said the visual from Auman Drive is two stories—that is preferable.

Matt Griffin said that maybe there should be language as to how the height is measured from the grade of Auman Drive so that visually, these are two-story structures, but from the rear, they are three stories—the impact is the same.

David Leazenby said they could re-phrase so that is more clear and the homes do not tower over the homes on Auman Drive and 126th Street.

Susan Westermeier asked if there were any height limitations along Keystone.

Matt Griffin responded in the negative—the core area flanks all of Keystone and is the maximum height allowable.

Leo made the following clarifications: Anything visible from a residential area cannot be taller than two stories—it is too much of an impact—too towering on a neighborhood. This should be

a three-step process. The next layer would be 45 feet with the back—two stories—facing two stories—the third street goes into the core area.

David Leazenby said the first row of building along Auman Drive would be 30 feet, then the second row, 45 feet, could be three stories, then the third row into the core area.

Leo said he did not have a problem with it as long as the first two blocks don't exceed 45 feet. The first block, 30 feet—the first row—the next up to the core area is 45 feet—we are eliminating the 60 feet.

Matt Griffin clarified that the key here—visually—is that from Auman Drive, the buildings will be two stories.

Leo asked about buffering along Keystone.

Matt Griffin said that the Department's intent was to make sure the core area is defined and does not want to find its home against Keystone and bleed out. I don't know whether or not that would happen, but there is a way to keep the core within the center of this development and not on Keystone. We would like the height concentrated in the center with the tower, etc.

Leo said maybe they could put a 60-foot strip along Keystone. The thing we don't want to happen on Keystone is that it would look like another apartment complex—we want it to have an impact.

Madeleine Torres did not want to see five stories along Keystone and would rather see four stories as the first visible from Keystone, going up from there.

Matt Griffin said that from Keystone, you should be able to see that there is a node in the center of the development, you could see the tower and the height, but it should not be open and face Keystone.

Susan Westermeier thought that the 60-foot strip along Keystone is a good thing.

Matt Griffin looked up the 431 Overlay in the Ordinance and determined that there was a 35-foot height restriction.

Brent?? Proposes a taller height on the corner of Keystone and 126th Street—will let the committee know what that would be.

Matt Griffin could not find an established buffer yard—Leazenby said there is none thus far.

Clarification: The request is for four stories on Keystone, north all the way to 126th Street. Along 126th Street, two stories are to be maintained; of course, working in, you can go higher.

Brad Chambers thought that two stories at the corner of 126th and Keystone would look too diminutive and would be dwarfed by the project. Brent proposes a taller height for this corner.

Leo asked that the petitioner submit some idea of what the 126th & Keystone corner would look like—give the Committee a better visual.

The petitioner will address.

Use Map:

Leo Dierckman said that all residential uses in nature would be in District A, B would be the combination of mixed uses, and C would be full complement of commercial.

Brad Chambers commented that if, for instance, a Tucker Real Estate office was planned on 126th Street in the A area, it would not be permitted—it would be permitted in area B.

Leo confirmed that area A is to be residential, owner-occupied along 126th Street; B would be the next block in.

Susan Westermeier asked for clarification. The 30 feet would be the very first row of houses, and the rear of those houses would look at the back yard of another house or alley; then that house would be 45 feet, then another 45 feet. Eliminating the 60 feet, the first row is 30 feet, the second two rows are 45 feet all the way to the core.

Matt Griffin reiterated that the first row is A but the back-side of it could be B.

Leo said that the first row would be the use row, the second two rows would be B.

Susan Westermeier: So, both houses, if they are 30 or 45 feet, they are all in the A District within the first two rows rather than blocks. It is difficult because there are no streets on the map, only rows.

Brad Chambers said that two rows of houses usually equal one block. After the fourth row, you are into area C.

Matt Griffin asked about a feasible use for the corner at 126th & Keystone. In terms of use, A is a use in terms of single family residential and may not be a very good seller—who would want to live at this intersection?

Leo said that if the petitioner brought something in that was three stories and still residential, something a little different, the Committee would look at it. However, the petitioner should be extremely careful with what is going on across the street that is residential (The Enclave.) The preference would be single family residential at this corner.

Susan Westermeier thought the Committee would look at other things as well.

Madeleine Torres thought the corner should be a signature piece that would complement the development, something very unique.

David Leazenby said there is a vacant lot across the street—part of the Enclave—that was not conveyed for a house, whether it is common area or what, but it is also very wooded and the trees wrap around. It might make sense to cut the A area where there are no homes on the opposite side of the street—there is a buffer area from the intersection to the homeowners in The Enclave. If we could get more specific with what is going on here, we might be able to craft some language that would take A to here.

Susan Westermeier: Anything on the other side of 126th Street is residential out that far and if you get to the trees, you might take a different look.

Leo reminded the Committee that anything in B is non-residential is 30% and will preserve the residential character of the area; A is **all** residential.

Matt Griffin: Section 4.1 in terms of phasing and how this develops in conjunction with the access points that are granted. Currently, the way this is written, the petitioner can do 50% of the development if they do not get access on Keystone or the access at Carmel Drive; if the petitioner gets either one of those access points, they can come back and do the remaining 50%.

We need to discuss what would be a wiser or more staged option to do something along the lines of 35% if neither access is obtained; if one access point is achieved, 70% could be done; if both access points at Keystone and Carmel Drive are obtained, the petitioner can do 100%. This is just for the sake of traffic—every time you get another outlet or release out of the project, you can grow the project accordingly. Developing at 100% with just one of the access points may not be very contact sensitive in terms of where the traffic will go or how it will find its way to the adjoining neighborhoods.

David Leazenby responded that the numbers were coordinated with the traffic projections and how much could be realistically developed without affecting the level of service on all the intersections that were studied—the 50% came out of that. It didn't matter which access cut was obtained, the level of service would still be intact and still be maintained with the rest of the property re-developed.

Christine Holmes asked if the petitioner had looked at commercial uses versus residential and if there is a specified list within that.

David Leazenby responded that within the first 50%, it is assumed that some neighborhood commercial uses would be built without the level of service being affected—20, to 30,000 square feet. The commercial uses would not be taking traffic from outside the neighborhood into the development—it would be uses that the neighborhood would be depending upon and they are not big traffic generators.

Christine Holmes asked if they would limit it to the square footage of retail space on the progression. If one cut is obtained, 50% of the development would be done, of which up to 35% or so could be neighborhood retail commercial. There are some neighborhood uses that do have a draw from outside the area such as restaurants.

David Leazenby responded that they were not saying where that 50% will be---

Matt Griffin said it could be Area C which has a lot more non-residential. If 50% means the undeveloped portion of the site then we need to say that.

Brad Chambers said it was fine and would be easier to do that than limit based on the cuts as proposed in the Dept.'s language. The second quadrant to be developed would not happen until another cut is in place which would be south towards Carmel Drive—that is the most logical.

David Leazenby: We are saying we could do 50% of the development, and that 50% would be the top half—50% of the land area to be developed without an access to Keystone or Carmel Drive.

Leo said it would be easier to number the quadrants—It can't be 1 and 4, because that is where all of the commercial is. Use C is the highest intensity -- commercial uses.

David Leazenby said if they could limit it by the square footage.....

Leo said that was fine, to write something up, and the petitioner agreed to do that.

Matt Griffin commented that whatever the square footage is, it should be under whatever makes the level of service that is acceptable without additional cuts; maybe it is more than 30,000 square feet.

Leo Dierckman said that the next meeting would be spent incorporating the new map and the list as well as other revisions. Public input will be limited to 15 minutes at the next meeting on May 4, 2006 at 6:00 PM in the Council Chambers, subject to availability.

John Sinclair, representing The Enclave HOA, asked that a new map be provided with the overlay of the proposed development. The petitioner agreed and will comply.

The public requested a graphic scale of the project with general areas and setbacks shown. The new map should be put in feet—the setbacks are a concern as well as the block sizes.

Docket No. 05120025 Z 126th & Keystone/Gramercy PUD was continued to the May 04, 2006 Special Studies Meeting at 6:00 PM in the Council Chambers (subject to availability).

The meeting adjourned at 8:10 PM.

Leo Dierckman, Chairperson

Ramona Hancock, Secretary